

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, in light of the remarks which follow, are respectfully requested.

Claims 23 and 35 have been amended to be the same as presented in the Amendment previously filed on July 27, 2006. In addition, claims 37 and 38 have been amended to change their dependency to claim 23. Claims 29-34 and 42 have been canceled. Claims 1-22 were previously canceled. No new matter has been added.

Upon entry of the Amendment, claims 23-28, 35-41, 43 and 44 will be all of the claims pending in the application.

I. Summary of Substance of Interview

Applicant's representative thanks Examiner Ronesi for her participation and suggestions in a telephonic interview conducted on September 23, 2008. During the Interview, the claim rejections were discussed.

II. Response to Rejection under 35 U.S.C. § 112, first paragraph

Claims 23-28, 35-41, 43 and 44 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully submits that the claims as amended are in compliance with the § 112 requirements.

In the Amendment, independent claims 23 and 35 have been amended to reinstate the recitations in a previous Amendment, as suggested by the Examiner. Specifically, claim 23 has been amended to recite that the amount of silica is greater than or equal to the amount of carbon black in phr minus 5 phr, and that the blend of carbon black and silica is in an amount

between 15 phr and 50 phr. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

III. Response to Rejections under 35 U.S.C. §103(a)

a. Claims 23-26, 29-32 and 36-44 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over JP 09302146 ("JP '146") in view of U.S. Patent No. 6,109,320 ("Miyazaki"). Applicant respectfully submits that the rejection of claims 29-32 and 42 is moot because these claims have been canceled. Further, Applicant respectfully submits that claims 23-26, 36-41, 43 and 44 are patentable over the cited references for at least the following reasons.

Independent claim 23 recites a pneumatic tire comprising a rubber composition which comprises, *inter alia*, as a reinforcing filler, a blend of carbon black having a BET specific surface area of between 30 and 160 m²/g and of precipitated or pyrogenic silica having a specific surface area of between 30 and 260 m²/g, wherein the amount of silica is greater than or equal to the amount of carbon black in phr minus 5 phr, and wherein said blend of carbon black and silica is in an amount between 15 phr and 50 phr.

The present specification demonstrates that the presently claimed composition can provide unexpected results by providing specified amounts for silica and carbon black. Specifically, the specification describes in Table I, Tests 1 and 2 containing 35 phr silica and 5 phr carbon black, as well as Test 3 containing 15 phr silica and 40 phr carbon black, and Test 4 containing no silica and 35 phr carbon black. Tests 1 and 2 are within the scope of claim 23, whereas Tests 3 and 4 are not. Tests 1-4 were subjected to tearability test and the results are reproduced in the following table (Table 2 of the specification):

Composition	Test 1	Test 2	Test 3	Test 4
ME100	1.0	1.2	2.9	1.7
HL 60°	13.5	15	18	12
Break Index at 100°C EB%	800	780	490	630
Tearability Index at 100°C TEB%	510	500	230	80

It can be seen from the results in the above table, Tests 1 and 2 exhibited far better results in terms of tearability and/or hysteresis properties than Tests 3 and 4. Specifically, Tests 1 and 2 exhibited much higher cohesion than Test 3 which contained as a reinforcing filler, 55 phr of a blend of carbon black and silica (break index of 800 and 780 vs. 490, and tearability index of 510 and 500 vs. 230), as well as much lower hysteretic losses (HL 60° of 13.5 and 15 vs. 18). Further, Tests 1 and 2 exhibited much higher cohesion than Test 4 which contained as a reinforcing filler, 35 phr of carbon black only (break index of 800 and 780 vs. 630, and tearability index of 510 and 500 vs. 80).

JP '146 generally discloses a rubber composition comprising 100 pts.wt. of a diene-based rubber, 0-50 pts.wt. of carbon black and 20-150 pts.wt. of silica (Abstract). The Examiner concedes that JP '146 fails to exemplify a composition comprising the recited amounts of silica and carbon black (page 4, 2nd paragraph of the Office Action). In fact, JP '146 describes in Tables 1 and 2, inventive examples comprising silica and carbon black wherein the amount of silica is at least the amount of carbon black, which do not fall within the recited ranges. Moreover, JP '146 does not disclose or suggest the results achievable in the presently claimed composition as noted above.

Miyazaki is relied upon merely as teaching that a bead filler is a reinforcing layer found axially outside the turnup portion of the carcass and extending radially from the bead core, and thus does not rectify the deficiencies of JP '146.

In view of the foregoing, Applicant respectfully submits that claim 23 is patentable over JP '146 in view of Miyazaki and thus the rejection should be withdrawn. Additionally, claims 24-26, 36-41, 43 and 44 depend from claim 23, directly or indirectly, and thus are patentable over the cited references at least by virtue of their dependency.

b. Claims 27 and 33 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over JP '146 in view of Miyazaki and further in view of U.S. Patent No. 6,008,295 ("Takeichi"). Applicant respectfully submits that the rejection of claim 33 is moot because this claim has been canceled.

Further, regarding claim 27, Takeichi is relied upon merely as disclosing the use of silicon or tin halide modified diene elastomer, and thus does not rectify the deficiencies of JP '146 in view of Miyazaki. Therefore, Applicant respectfully submits that claim 27 is patentable over the cited references for at least the reasons set forth above in Section III.a.

c. Claims 28 and 34 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over JP '146 in view of Miyazaki and further in view of U.S. Patent No. 5,844,050 ("Fukahori"). Applicant respectfully submits that the rejection of claim 34 is moot because this claim has been canceled.

Further, regarding claim 28, Fukahori is relied upon merely as disclosing a diene elastomer comprising a majority of cis-1,4 bonds, which is branched using divinylbenzene, and thus does not rectify the deficiencies of JP '146 in view of Miyazaki. Applicant respectfully submits that claim 28 is patentable over the cited references for at least the reasons set forth above in Section III.a.

IV. Conclusion

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at her earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 3, 2009

By: 

Fang Liu, Ph.D.

Registration No. 51,283

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620